

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In Re the Application of:

BERNKLAU et al.

Serial No.: 09/831,094

Filed: November 21, 2001

Atty. File No.: 2730-65-PUS

For: "METHOD AND DEVICE FOR
ATTRACTING INSECTS"

Mail Stop: Petition

Assistant Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

) Group Art Unit: 3643

) Examiner: Darren W. Ark

PETITION TO REVIVE
UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 CFR 1.137(b)

"EXPRESS MAIL" LABEL NUMBER: EL975240375US
DATE OF DEPOSIT January 7, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED
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DATE INDICATED ABOVE AND IS ADDRESSED TO THE
COMMISSIONER OF PATENTS, WASHINGTON, D.C. 20231.

TYPED OR PRINTED NAME: Chasity C. Rossum

SIGNATURE: Chasity C. Rossum

Dear Sir:

Applicant hereby petitions for revival of the above-identified U.S. patent application for failure to continue prosecution after a final action by the Examiner, and states that the non-payment of the issue fee was unintentional.

The maximum statutory time period after for filing an appeal or a request for continued examination (RCE) ended November 20, 2003. An amendment and response was filed in response to a final rejection of the application on November 20, 2003. Unfortunately and unintentionally, a request for continued examination was not filed with the amendment and response. A responsive Advisory Action from the U.S. Patent Examiner was received on January 7, 2004. It was only upon receiving this Advisory Action that Applicant's representatives became aware that an RCE had not been filed on the above-identified application.

01/13/2004 AKELLEY 00000020 09831094

01 FC:1801
02 FC:1453

770.00 OP
1330.00 OP

Application No. 09/831,094

Accordingly, accompanying this Petition is: (1) a Request for Continued Examination and corresponding fee of \$770.00 therefor; and (2) the fee for unintentionally delayed payment pursuant to 37 C.F.R. §1.17(m) of \$1,330.00.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

No additional fees other than the unintentional abandonment fee and RCE fee are believed due. However, in the event that other fees are required, please debit deposit account 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

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Date: Jan. 7, 2004

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